

REMARKS

Claims 1, 5 and 9 have been amended. Claims 1-9 remain pending in the application. Reexamination is respectfully requested.

Applicants have amended each of the independent claims to clarify that the complete lowering of the window of the vehicle door occurs “as soon as” both the double unlock command and the simultaneous or subsequent opening of the vehicle door occurs “without requiring any further action by a user”. Accordingly, Applicants submit these independent claims clearly define over the BOEHM reference (DE 42 03 512 C1), which does not lower the vehicle window as soon as the two actions occur without requiring any further action by user. Rather, BOEHM specifically requires a further action, i.e., the user holding the door handle in an opening position for a specified period of time.

The Decision on Appeal from the Board of Patent Appeals and Interferences that upheld the Examiner’s prior rejection was principally based on the argument that “no negative limitation” was in the claims to distinguish over the operation and functionality of the cited reference (see page 4, third line from the bottom, of the Decision). As such, the Decision noted that the reference merely teaches more than what was previously required of the independent claims. In view of the Decision, Applicants have now provided a negative limitation, i.e., “without requiring any further action by a user”, and have specified the timing of the lowering of the window as being “as soon as” the double unlock command and opening of the vehicle door occurs. Hence, Applicants submit that, as noted in the right-hand path of the Figure 2 flow

chart in BOEHM, the BOEHM reference cannot anticipate or render obvious Applicants' claims since the vehicle window is not lowered as soon as the door is opened.


In view of the foregoing, Applicants respectfully submit claims 1-9 are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/49628).

Respectfully submitted,

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